

REMARKS

Reconsideration of this application, withdrawal of the final rejection, entry of the foregoing amendments, and allowance of this application is respectfully requested.

Claims 1-11 are pending in the present application.

The independent claims have been amended in order to emphasize the feature that the invention provides a solution for interoperability between two systems for radiocommunications with mobiles which are distinct one from the other. The amendments to claims 1, 8, and 10 do not contain new matter. Two separate systems are disclosed for example at page 7, lines 19-21. Further, it is believed that the above amendments would not necessitate a new search. Therefore, entry of the amendments is appropriate.

35 U.S.C. § 103 (Non obviousness)

The Office Action rejects claims 1-11 under 25 U.S.C. § 103(a), as being unpatentable over Crisler et al (US Pat 5,038,342) in view of Raith (US Pat 5,903,552). The applicant traverses these rejections.

The applicant disagrees with the Examiner's analysis of the applied references, and respectfully requests reconsideration thereof in view of the above amendment to the claims and the remarks below.

Amended Claim 1 recites allocating a traffic channel emulating the radio interface of a first radiocommunications system by a base station of a second radiocommunications system, distinct from the first radiocommunications system in the sense that both systems have respective mobile terminals and base stations, the radio interface of the first and second system being incompatible with each other. The other independent claims (8 and 10) recite similar elements, allowing for differences in claim drafting of means and system claims. The allocation of a traffic channel emulating the radio interface of another radiocommunications system is not shown in or suggested by the prior art references, alone or in combination.

Specifically, Crisler is directed to a communication system where communication units of two different types, namely FDM units and TDM/FDM units, can be accommodated in a single communication system. To quote the same passages as the Examiner (emphasize added):

“Both FDM/TDM communication units and FDM-only units may be accommodated in a single system. The system can determine whether a communication unit constitutes an FDM/TDM capable communication unit. Such a communication unit can then be assigned to a communication channel that supports TDM communications. If the communication unit does not constitute an FDM/TDM capable communication unit, then that unit can be assigned to a communication channel that supports non-time division multiplexed communications. Further, the system can be provided with the capability of receiving TDM format communications from an FDM/TDM capable communication unit and converting that communication to a non-time division multiplexed format such that it can be retransmitted in a useful format to a non-TDM capable communication unit. The reverse process is also provided.”

Thus, Crisler deals with supporting a single RF system which can accommodate different types of communication units because it has communication channels of the corresponding type, namely channels that support TDM communications and channels that support non-TDM communication. The system according to Crisler also relies on its capability to convert a communication from TDM format to non-TDM format and vice versa. It has only one type of base stations (identified by the Examiner as the central controller, item 101 of Fig. 1).

On the contrary, the present claims are directed to a method for allocating RF resources in (at least two) different systems having respective base stations and mobile terminals, and supporting different, incompatible interfaces.

The claimed method further comprises allocating a control channel in the other (the second) system that emulates the radio interface of the first system.

Attention of the Examiner is drawn to that term “emulate”, which emphasizes, in the context of the invention, the fact that radio interface of the first system is, under normal conditions of operation of the second system, not supported by said second system.

The claimed method further comprises monitoring a mutual aid channel of one (the first) system.

In contrast, the Examiner does not contest that Crisler fails to disclose or even suggest the step of monitoring the mutual aid channel of the first system by a base station of the second system.

It is respectfully submitted that the deficiencies in Crisler are not removed by combining this reference with Raith.

First, Raith discloses only one digital cellular radiotelephone system called the digital advanced mobile phone service (D-AMPS), some of the characteristics of which are specified in the interim standard TIA/EIA/IS-54-B (col. 1, lines 21-30).

The applicant does not contest that this system is a dual-mode, i.e., analog and digital system providing for analog compatibility with existing consumer base of equipment together with digital communication capability (col. 1, lines 30-38). However, this dual-mode capability of the system according to Raith differs from the claimed configuration where there are two distinct systems for radiocommunications with mobiles, each of which having respective base stations and mobile terminals, and having respective air interfaces which are mutually incompatible.

Second, the applicant traverses the opinion of the Examiner that Raith discloses emulation by a system of the air interface of another system which it does not support for the communication with its own mobile stations.

From the passage col. 3, lines 4-12 of Raith, on the contrary, it is to be understood that both Analog Voice Channels (AVC) and Digital Traffic Channels (DTC) are available in the system called D-AMPS. This means that the air interface of the system is dual, i.e., analog and digital. Therefore, the system does not need to emulate the air interface of another system which is incompatible with its own air interface.

Finally, and contrary to the statement made by the Examiner in the Office Action, it is further respectfully submitted that the control channel for paging messages according to Raith distinguishes from the mutual aid channel as claimed in Claim 1, from both structural and functional standpoints.

Indeed, the Raith channel is a downlink channel used to convey paging messages from the fixed network to the mobile stations, which is thus monitored by the mobile stations (col. 2,

lines 55-56). In contrast, the channel as claimed is used as an uplink channel in the sense that it is monitored by the base station of the second system for radiocommunications with mobiles to detect that a mobile terminal of the first system requests allocation of radio resources for setting up a call.

In addition to the foregoing, it is respectfully submitted that, even if each and every feature recited in Claim 1 is disclosed by the combination of Crisler et al. or Raith, which is not the case for the reasons set above, the Office Action still lacks a motivation to combine these references.

The following is a quotation of the reasoning of the Court of Appeals for the Federal Circuit, in its March 22, 2006 opinion, *In re Kahn* (Fed. Cir. 2006, 04-1616):

"Most inventions arise from a combination of old elements and each element may often be found in the prior art. Rouffett, 149 F.3d at 1357. However, mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole. Id. at 1355, 1357. Rather, to establish a prima facie case of obviousness based on a combination of elements disclosed in the prior art, the Board must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. Id. In practice, this requires that the Board "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." Id. at 1357-59. This entails consideration of both the "scope and content of the prior art" and "level of ordinary skill in the pertinent art" aspects of the Graham test.

When the Board does not explain the motivation, or the suggestion or teaching, that would have led the skilled artisan at the time of the invention to the claimed combination as a whole, we infer that the Board used hindsight to conclude that the invention was obvious. Id. at 1358. The "motivation-suggestion-teaching" requirement protects against the entry of hindsight into the obviousness analysis, a problem which § 103 was meant to confront. See 35 U.S.C. § 103 (stating that obviousness must be assessed "at the time the invention was made")."

The fact that Crisler et al. or Raith inventions are in the related art does not provide motivation to one of ordinary skill in the art to select these references and to combine them to render the claimed invention obvious.

With respect to the dependent claims 2-7, 9 and 11, as they refer to the claims 1, 8 and 10, much of the same argument applies. Therefore, these claims derive their patentability from the patentability of the claims to which they refer.

Accordingly, the Applicant respectfully requests that the rejection of Claims 1-11 under 35 U.S.C. § 103 be withdrawn.

Conclusion

It is believed that the present application is in condition for formal allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. Should the Examiner determine any minor informalities that need to be addressed, he is encouraged to contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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